

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PARKER PERRET
Plaintiff,

v.

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Defendant.

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CASE NO. _____
JURY

NOTICE OF REMOVAL

Defendant Nationwide Mutual Insurance Company (“Defendant” or “Nationwide”) files this Notice of Removal, thereby removing this case from the 416th Judicial District of Collin County, Texas to the United States District Court for the Eastern District of Texas, Sherman Division and respectfully shows the Court the following:

A. State Court Action

This action was originally filed by Plaintiff Parker Perret (“Plaintiff” or “Perret”) on September 2, 2010 in the 416th Judicial District of Collin County, Texas numbered 416-03627-2010 on the docket of that court. Plaintiff asserts claims against Defendant for age discrimination and retaliation in violation of the Texas Commission on Human Rights Act. Defendant was served on September 8, 2010. Defendant filed its answer on September 30, 2010.

B. Documents Attached Pursuant to Local Rule 81

A list of all parties, party type and current status of the removed case is attached as Exhibit A. A certified copy of the state court docket sheet is attached as Exhibit B, along with copies of all pleadings, answers, process and orders. A list of all attorneys involved is attached

as Exhibit C. A record of which party has requested a jury trial is attached as Exhibit D. The name and address of the court from which the case is removed is attached as Exhibit E.

C. Diversity Jurisdiction

Both at the time of filing the Original Petition and at the time of this Removal, Plaintiff was and is an individual domiciled in Collin County, Texas (Plaintiff's Petition § 2). Both at the time of filing of the Complaint and at the time of this Removal, Defendant was and is a corporation existing under the laws of the state of Ohio with its principal places of business in Ohio.

With respect to potential damages, Plaintiff seeks damages in excess of \$75,000, exclusive of interest and costs. Pursuant to 28 U.S.C. § 1332, the district courts shall have original jurisdiction over all actions where the alleged matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. § 1332(a). Plaintiff's complaint, on its face, demonstrates that the claim exceeds \$75,000. Accordingly, Defendant may remove this action pursuant to 28 U.S.C. § 1441.

Defendant has filed this Notice of Removal within thirty days after it received the Summons and Petition and, thus, the Notice is timely filed pursuant to 28 U.S.C. § 1446(b). Removing this case would not prejudice the parties.

D. Prayer

Defendant prays that the United States District Court for the Eastern District of Texas accepts this Notice of Removal and that it assumes jurisdiction of this cause, and that it issues such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

DATED: October 1, 2010

Respectfully submitted,

By: /s/ Lori M. Carr
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on October 1, 2010, a true and correct copy of the forgoing document was electronically filed with the clerk of court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court and was served on counsel for the Plaintiff via U.S. mail to the following addresses:

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/s/ Lori M. Carr
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